

# EXHIBIT 1

**Exhibit 1**

<b>Masimo's Requests</b>
<b>RFP No. 62:</b> "All documents, communications, and things referring or relating to any definition, description, or analysis of the market(s) for app stores or app distribution, including marketing studies, analyses, or market reports (internal to Apple or from a third party) that refer to app stores or app distribution."
<b>RFP No. 63:</b> "All documents, communications, and things referring or relating to Apple's control of iOS app distribution."
<b>RFP No. 64:</b> "All documents, communications, and things referring or relating to the ability of Apple users to switch to products or services from other companies, including but not limited to the ease or difficulty with which consumers can switch between Android and Apple devices." <ul style="list-style-type: none"> <li>Narrowed to: four years before the filing of this action.</li> </ul>
<b>RFP No. 65:</b> "All documents, communications, and things comparing the marketing, sale, or distribution of iOS apps to the marketing, sale, or distribution of apps used on other operating systems." <ul style="list-style-type: none"> <li>Narrowed to: four years before the filing of this action.</li> </ul>
<b>RFP No. 77:</b> "All documents, communications, and things referring or relating to Articles 9.3 or 14.4 of Apple's Developer Agreement as referenced in the Counterclaims, including internal and external communications regarding those provisions." <ul style="list-style-type: none"> <li>Narrowed to: four years before the filing of this action.</li> <li>Narrowed to: responsive documents relating to Relevant Technologies (i.e., oxygen saturation, ECG, and heart sensing technologies).</li> </ul>
<b>RFP No. 78:</b> "All documents, communications, and things referring or relating to instances where Apple invoked, enforced, or attempted to enforce Article 9.3 or 14.4 of Apple's Developer Agreement as referenced in the Counterclaims, in connection with any app or proposed app." <ul style="list-style-type: none"> <li>Narrowed to: four years before the filing of this action.</li> <li>Narrowed to: responsive documents relating to Relevant Technologies (i.e., oxygen saturation, ECG, and heart sensing technologies).</li> </ul>
<b>RFP No. 80:</b> "All documents, communications, and things referring or relating to Masimo's FDA strategies and/or interactions with the FDA."
<b>RFP No. 81:</b> "All documents, communications, and things referring or relating to Apple's App Store Review Guideline 1.4.1, as referenced in the Counterclaims." <ul style="list-style-type: none"> <li>Narrowed to: four years before the filing of this action.</li> <li>Narrowed to: responsive documents relating to Relevant Technologies (i.e., oxygen saturation, ECG, and heart sensing technologies).</li> </ul>

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Masimo's Requests
<p><b>RFP No. 82:</b> "All documents, communications, and things referring or relating to Apple using information submitted during the iOS app approval process for competitive purposes, including for development of Apple apps or products."</p> <ul style="list-style-type: none"> <li>• Narrowed to: four years before the filing of this action.</li> <li>• Narrowed to: responsive documents relating to Relevant Technologies (i.e., oxygen saturation, ECG, and heart sensing technologies).</li> </ul>
<p><b>RFP No. 83:</b> "All documents or communications referencing, relating to, or discussing the practice of efficient infringement or the practice of infringing or misappropriating intellectual property, even after being informed of such improper conduct, because it is more advantageous to do so than pay to lawfully use or develop the intellectual property."</p>
<p><b>RFP No. 84:</b> "All communications with third parties relating to allegations that Apple unlawfully acquired or used intellectual property."</p> <ul style="list-style-type: none"> <li>• Narrowed to: responsive documents relating to Relevant Technologies (i.e., oxygen saturation, ECG, and heart sensing technologies).</li> </ul>
<p><b>RFP No. 86:</b> "All documents, communications, and things referring or relating to the quote "good artists copy, great artists steal," Apple's use of pirate imagery and flags, the quote "it's better to be a pirate than join the navy," or Apple's practice of taking something from someone else and making it your own, as explained by Bud Tribble (see <a href="https://www.cnet.com/tech/techindustry/what-steve-jobs-really-meant-when-he-said-good-artists-copy-great-artists-steal/">https://www.cnet.com/tech/techindustry/what-steve-jobs-really-meant-when-he-said-good-artists-copy-great-artists-steal/</a>)."</p>
<p><b>RFP No. 87:</b> "All documents, communications, and things referring or relating to the practice of "Sherlocking" or meeting with another company and then Apple deciding to implement an idea or technology from the other company without permission."</p>
<p><b>RFP No. 88:</b> "Communications between Tim Cook and Bruce Sewell related to <i>U.S. v. Apple Inc., et al.</i>, No. 1:12-cv-02826-DLC (S.D.N.Y), as referenced in the video available at <a href="https://www.youtube.com/watch?v=-wuf3KI76Ds&amp;t=2s">https://www.youtube.com/watch?v=-wuf3KI76Ds&amp;t=2s</a>, including communications related to the following:</p> <ol style="list-style-type: none"> <li>Sewell explaining that case was an example of Apple making a conscious and deliberate choice to use the legal system to gain a "competitive advantage" over others by "sailing as close to the wind" as possible because capturing ebook sales was "so important" to Apple;</li> <li>Sewell stating Apple "ended up being sued by the government and ended up having to pay a large fine;"</li> <li>Sewell stating that Apple's CEO, Tim Cook, did not discipline him for his role in allowing Apple to engage in anticompetitive conduct;</li> <li>Cook applauding Sewell;</li> <li>Cook stating to Sewell, "that's the right choice;" and</li> <li>Cook telling Sewell "don't let that scare you, I don't want you to stop pushing the envelope."</li> </ol>

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<b>Masimo's Requests</b>
<p><b>RFP No. 89:</b> "All documents, communications, and things referring or relating to AliveCor, Omni MedSci and/or Valencell's allegations that Apple misappropriated their intellectual property and/or improperly acquired their technologies, including all communications and interactions with these companies relating to such allegations."</p> <ul style="list-style-type: none"> <li>• Narrowed to: responsive documents "referring" to the subject allegations and pre-suit and other non-litigation communications with these parties regarding the allegations.</li> </ul>
<p><b>RFP No. 90:</b> "All documents, communications, and things referring or relating to Apple's litigations with AliveCor, Omni MedSci, and Valencell, including discovery responses, deposition and trial testimony of Apple witnesses, unsealed trial exhibits, sealed Apple trial exhibits, and documents produced by Apple."</p> <ul style="list-style-type: none"> <li>• Narrowed to: responsive discovery responses, deposition and trial testimony of Apple witnesses, unsealed trial exhibits, and sealed Apple trial exhibits.</li> </ul>
<p><b>RFP No. 112:</b> "All documents, communications, and things referring to both Apple Watch and Apple's "ecosystem" of interconnected products."</p>
<p><b>RFP No. 113:</b> "All documents, communications, and things referring or relating to Apple's strategy to build and maintain users in Apple's ecosystem."</p>
<p><b>RFP No. 114:</b> "All documents, communications, and things referring or relating to Apple's strategy regarding functionality, compatibility, or interoperability of products within Apple's ecosystem, including documents referring or relating to limiting functionality, compatibility, or interoperability to Apple-approved apps and products."</p>